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November 1, 2006

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Agenda No. 12
06/27/06

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

**Re: SPECIAL PERMIT NUMBER 1404-(5)
FIFTH SUPERVISORIAL DISTRICT/THREE-VOTE MATTER**

Dear Supervisors:

The Board previously conducted a revocation/modification hearing regarding the above-referenced special permit for the Agua Dulce Airport ("Airport") to review the March 8, 2006 final action of the Los Angeles County Regional Planning Commission, which approved a modification to the special permit. The hearing was a call for review pursuant to Section 22.60.230(B)(1) of the Los Angeles County Code.

At the conclusion of the hearing, your Board indicated an intent to approve the modification of the special permit, subject to one amendment, and instructed us to prepare the appropriate findings and conditions for such modification. The amendment addressed helicopter noise at the Airport and requested that County staff consult with the applicant regarding a voluntary helicopter noise mitigation measure and to provide alternative conditions that would either provide a reasonable limitation on the number of non-emergency helicopter take-offs and landings at the Airport, or instead provide a flight path attenuation plan for helicopters using the Airport. In addition, the Board's amendment requested County staff to include conditions, which the Airport agreed to at the hearing, to prohibit night flights and jet aircraft at the Airport.

The Honorable Board of Supervisors

November 1, 2006

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Enclosed are the proposed findings and conditions for your consideration. Also enclosed is an attachment which describes how the proposed alternative conditions to mitigate helicopter noise were developed, and includes correspondence from the applicant's counsel and noise consultants on the proposed helicopter noise condition.

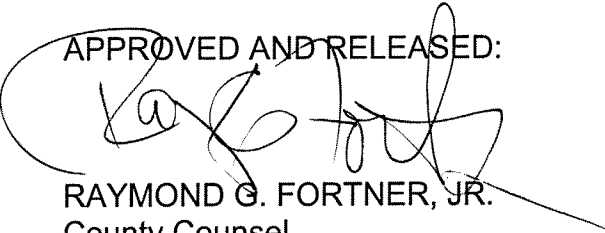
Very truly yours,

RAYMOND G. FORTNER, JR.
County Counsel

By 

LAWRENCE L. HAFETZ
Principal Deputy County Counsel
Property Division

APPROVED AND RELEASED:


RAYMOND G. FORTNER, JR.
County Counsel

LLH:di

Enclosures

**FINDINGS OF THE BOARD OF SUPERVISORS
AND ORDER
REVOCATION/MODIFICATION OF SPECIAL PERMIT NUMBER 1404-(5)**

1. The Los Angeles County Board of Supervisors ("Board") conducted a duly noticed public hearing on the Revocation/Modification of Special Permit No. 1404-(5) on June 27, 2006. This hearing was a call for review by the Board, pursuant to Section 22.60.230(B)(1) of the Los Angeles County Code ("County Code"), to review the March 8, 2006 final action of the Los Angeles County Regional Planning Commission ("Commission") modifying Special Permit No. 1404-(5).
2. The Commission originally approved Special Permit No. 1352 ("SP 1352") for the subject property on September 2, 1958. SP 1352 authorized a privately-owned, public use commercial airport located at 33638 Agua Dulce Canyon Road, Agua Dulce, in the Soledad Zoned District (sometimes herein referred to as "Airport"). SP 1352 had a 20-plane storage capacity and a 10-year termination period.
3. On October 27, 1959, the Commission approved Special Permit No. 1404-(5) ("SP 1404"), which superseded SP 1352 and modified a number of its conditions to allow for an expanded airport with appurtenant facilities.
4. SP 1404 modified SP 1352 by, among other things, extending the runway previously approved, allowing development of additional hangars, and authorizing a 20-room airtel with a restaurant and swimming pool. SP 1404 also eliminated the limitation on plane storage in SP 1352 and its expiration date. SP 1404 prohibited jet aircraft at the Airport, and had no expiration date. SP 1404 was appealed to the Board by several community groups, and on May 24, 1960, the Board denied the appeal and upheld the Commission's approval of SP 1404 with minor revisions.
5. The subject property has access to Agua Dulce Canyon Road via an access driveway to the west and Darling Road to the south. The subject property is located approximately three-quarters of a mile south of Sierra Highway and approximately two miles westerly of the Antelope Valley Freeway ("14 Freeway").
6. The subject property is an irregular shaped parcel approximately 110 acres in size and located at the eastern terminus of Darling Road, on the east side of Agua Dulce Canyon Road, and south of the Agua Dulce Vineyard. The topography of the site varies from flat to gently sloping mesas and steep hillsides in a southeasterly direction. An existing drainage course currently bisects the southeastern portion of the property along and south of the existing runway.
7. The subject property is comprised of three assessor parcels, numbers 3213-021-017, 3213-031-002, and 3213-022-026.

8. The surrounding properties are zoned as follows:

North: A-2-1 and A-1-10,000;

South: A-2-1 and A-1-10,000;

East: A-2-1 and A-1-10,000; and

West: A-2-1 and A-1-10,000.
9. Surrounding land uses consist of single-family residences and vacant properties to the north, south, east, and west.
10. The subject property is designated as Airport ("AP") and Non-Urban 1 ("N1") in the Land Use Policy map of the Santa Clarita Valley Areawide Plan ("SCVAP"). Approximately 85 acres of the southeasterly quadrant of the subject property, encompassing the runway and appurtenant structures, are within the Airport land use classification. The remaining undeveloped area located along the northwesterly and southerly property boundary is within the N1 land use classification. The SCVAP does not have any development policies pertaining to the AP land use designation. However, the SCVAP land use policy map does identify the Airport as an existing facility. The Countywide General Plan ("General Plan") designates the property as a Public and Semi-Public Facilities land use, which designation includes airports and other major transportation facilities.
11. Pursuant to SP 1404, the subject property has been developed as a public-use, commercial airport, and has one runway, an aircraft tie-down area, 28 hangars in various stages of construction, a swimming pool, a fuel storage tank with a dispenser and dispensing area, and a structure consisting of a pilot's lounge, an office, and a café. There are 62 designated automobile parking spaces on the subject property.
12. SP 1404 authorized a number of incidental facilities on the subject property, a significant number of which have not been built. As shown on the approved site plan (or Exhibit A) for the property, dated June 12, 1961, SP 1404 authorized 110,000 square feet of hangar space for aircraft storage, 72,000 square feet of hangar space for aircraft maintenance, and 250,000 square feet for an aircraft tie-down area. SP 1404 also authorized a flight school (two-planes only), an emergency landing field, an aircraft repair facility (which disallowed engine overhaul), the storage of aircraft parts (within hangars only), and safety-related aircraft activities, such as fire fighting. Jet aircraft, aircraft wrecking, stunt flying, and parachute jumping were prohibited.
13. There have been three revised site plans approved for the subject property. The first revised site plan was approved on December 13, 1987, and authorized 20 hangars along the northerly perimeter of the runway. This site plan depicted

the location of these hangars as well as all existing improvements at the Airport. These improvements included a caretaker mobile home (which was never utilized), a café, two fuel pumps, and the above-described tie-down area.

14. The second revised site plan was approved on September 27, 2003, authorizing a swimming pool, an automobile parking area on-site, and a 600 square foot expansion to a utility building/hangar.
15. The third revised site plan was approved on October 31, 2003, and authorized a 20-unit airtel and nine hangars sized 50 feet x 60 feet each. The maximum height of the hangars depicted on this site plan was 17 feet, 6 inches.
16. Agua Dulce is a rural community comprised mostly of residential development limited to one unit per two acres by the General Plan. The community has historically emphasized the importance of maintaining the area's rural character, and has expressed concerns related to growth and its associated impacts on the limited groundwater supplies in the area.
17. In recent years, the Airport significantly expanded its non-airport activities. It has extensively promoted its facility for film production and special events such as fundraisers, community meetings, and air and auto shows. It also has offered fee memberships to the general public for its recreational facilities. This expansion of non-aviation activities has resulted in significant claims of disruption to the community and intensification of land use. The residents have repeatedly contended that the conditions of SP 1404 do not sufficiently address appurtenant uses of the Airport, such as the pool, airtel, and restaurant. SP 1404 does not provide specific guidelines for these uses.
18. The Los Angeles Department of Regional Planning ("Department") Zoning Enforcement Section investigated a series of alleged violations of SP 1404, the County Code, and other local regulations that occurred at the Airport. The Zoning Enforcement staff issued a number of Notices of Violation ("NOV") and Final Enforcement Orders, as described below.
19. On June 27, 2003, an NOV was issued to the Airport for the following:
 - A. Storing more than 20 planes on the subject property;
 - B. Reportedly allowing a jet aircraft to land at the airport in violation of SP 1404;
 - C. Constructing a pool without a permit from the Los Angeles County Department of Public Works ("Department of Public Works") Building and Safety Division, and for failing to submit a revised site plan for the pool;
 - D. Serving alcoholic beverages without the requisite permits;

- E. Selling and advertising memberships to a private recreational club that was not appropriately permitted with a conditional use permit; and
 - F. Placing banner signs on the subject property in violation of SP 1404.
20. The investigation by the Department's staff concerning this NOV revealed, among other things, that the Airport operator began constructing the pool without an approved site plan and permit, thereby violating SP 1404 and the County Code.
21. In a letter dated July 18, 2003, the Airport operator responded to the June 27, 2003 NOV, indicating: (1) the facility was not subject to the 20-plane limitation in SP 1352 because SP 1352 was superseded by SP 1404 which eliminated the restriction; (2) no jet aircraft landed at the Airport; (3) an application for a pool permit had been submitted to the Department; (4) serving alcoholic beverages was part of two fundraising events at the Airport, both of which had day-use permits to serve alcohol; and (5) the Airport had discontinued selling and advertising memberships to the private recreational club.
22. On January 8, 2004, an NOV was issued to the Airport for the following:
- A. Reportedly allowing planes to conduct acrobatic maneuvers and unsafe flying at the Airport in violation of SP 1404;
 - B. Violating a temporary use permit issued for the Wild West Days event, where aircraft take-offs and landings occurred in violation of such permit, and where the Airport violated the permit's safety barricade requirement for the demolition derby; and
 - C. Holding the Santa Fly-In event on December 14, 2003, without a temporary use permit.
23. In a letter dated January 30, 2004, the Airport operator responded to the January 8, 2004 NOV, indicating: (1) it does not condone or authorize unsafe flying at the Airport; (2) an aircraft was allowed to land during the special event because no alternative arrangement could be made with the involved pilot; (3) a moat was used as a safety barricade during the demolition derby to separate the spectators from the track; and (4) as advised by the Department, the Santa Fly-In event did not require a temporary use permit.
24. The Airport operator failed to prevent the violations described in this NOV and was unable to address these violations to the satisfaction of the Department.
25. On May 20, 2004, a Final Enforcement Order was issued to the Airport for the following:
- A. Reportedly allowing aerial acrobatics and dangerous flying at the Airport in violation of SP 1404; and

- B. Constructing a new tie-down area at the southern end of the Airport without submitting a revised site plan.
26. In a letter dated May 26, 2004, the Airport operator responded to the May 20, 2004 Final Enforcement Order, indicating that it was unaware of aerial acrobatics and dangerous flying at "the Airport" and claiming that pilots had been advised to be sensitive to nearby residents. The letter also indicated that use of the new tie-down area had been disallowed and that the Airport would submit a revised site plan for approval of this tie-down area.
27. On June 24, 2004, a Final Enforcement Order was issued to the Airport for the following:
- A. Reportedly allowing grading at the Airport without the required grading permit, which Zoning Enforcement staff had confirmed; and
 - B. Constructing a utility building/hangar and nine other hangars at the Airport with a height that was inconsistent with the approved site plans. The site plans of September 27, 2003 and October 31, 2003, showed a hangar height of 17 feet, 6 inches, while the new hangars had an actual height of 29 feet, 2 inches.
28. In a letter dated July 12, 2004, the Airport operator responded to the June 24, 2004 Final Enforcement Order, indicating that the grading was for a special event and that it had applied for the appropriate permit from the Department of Public Works Building and Safety Division. The letter also indicated that the Airport was working with the Department to revise the site plan to show the correct hangar height for the new hangars.
29. The Airport's actions to initiate unauthorized grading and to construct new hangars that exceeded the approved hangar height were violations of SP 1404. Further, the unpermitted grading provided evidence that holding special events at the Airport created problems for the County and the community.
30. On July 8, 2004, an NOV was issued to the Airport for the following:
- A. Arranging activities that were inconsistent with the approved temporary use site plan for a temporary use permit obtained for an Independence Day fireworks event;
 - B. Failing to comply with the safety procedures of the Los Angeles County Fire Department for the event by allowing attendees into a restricted area; and
 - C. Lacking adequate security at the event as required by the Los Angeles County Sheriff's Department.

31. In a letter dated July 12, 2004, the Airport operator responded to the July 8, 2004 NOV, indicating that the attendees were allowed in the restricted area only before the fireworks were launched. The letter also asserted that adequate safety and security personnel were present at the event as evidenced by the absence of any incidents or injuries.
32. On September 21, 2004, a Notice of Noncompliance and Fee was issued to the Airport for using the previously-described, unauthorized tie-down area for filming activities.
33. In a letter dated September 29, 2004, the Airport responded to the September 21, 2004 Notice of Noncompliance and Fee, indicating that it would prohibit all further use of the unauthorized tie-down area.
34. On March 11, 2005, an NOV was issued to the Airport for filming at the airport without a requisite film permit.
35. The Airport responded to the March 11, 2005 NOV, during the Commission's March 16, 2005 public hearing, discussed below, stating that the filming activity was for testing camera equipment only. Such activity, in the Airpark's view, was not considered film production, and thus did not require a film permit.
36. On August 17, 2004, the Board adopted a motion ordering the Commission to initiate proceedings pursuant to Section 17.56.1780, et seq., of the County Code to consider revocation or modification of SP 1404. The motion was based on the series of violations described above, and the ongoing community concerns and complaints regarding noise, traffic, and other impacts associated with the new uses at the Airport.
37. Pursuant to the Board's motion and Section 22.56.1780(D) and (E) of the County Code, the Commission held two public hearings, continued over several dates, to consider revocation or modification of SP 1404. The first public hearing was held on January 22, 2005 and March 16, 2005, and on March 16, 2005, the first public hearing was closed. Following the first public hearing was a public meeting on April 20, 2005, during which the Commission weighed the evidence to determine whether revocation was warranted. The second public hearing was held on December 14, 2005 and January 11, 2006, and resulted from the Commission's decision on November 3, 2005, to re-open the public hearing to allow additional public testimony regarding the proposed modification to SP 1404. The Commission also conducted a site visit of the Airport on March 5, 2005. During the site visit, the Commission observed from the homes of two local residents six different aircraft take off from and land at the Airport. Staff from the Department, and the Departments of Public Works and Health Services, were present during the flight demonstrations to measure the noise levels of the various aircraft.

38. Hearing notices for the Commission's public hearings were mailed to the property owners within a 1,000 foot radius of the Airport for the January 22, 2005 and December 14, 2005 public hearings. Case materials were made available at the Canyon Country Jo Anne Darcy County Library; advertisements were published in La Opinion and the Acton Agua Dulce Weekly News; and public hearing notices were posted at the project site at least 30 days prior to the scheduled hearings.
39. At least 400 individuals collectively attended the Commission's hearings. The Commission received verbal and written testimony from, among other individuals and groups, the Airport representatives, local residents, representatives of the Acton Town Council, the Agua Dulce Civic Association, the Concerned Citizens of Agua Dulce, the Agua Dulce Pilot's Association, and the Overall/Brink Group.
40. During the public hearings, approximately 400 letters, signed petitions, and emails were submitted to the Department of Regional Planning and/or the Commission, along with supporting documentation, opposing the Airport's operation. Much of the correspondence was from local residents and community groups expressing concern that the Airport had been noncompliant with SP 1404 and that new construction and new activities should be prohibited because of their potential adverse impacts to the community. These impacts allegedly included excessive noise, decreased property values, increased water usage, and increased aircraft and automobile traffic. The Department's Zoning Enforcement staff also received extensive verbal and written complaints regarding the matters described in the NOV's and other zoning enforcement matters.
41. The Department and/or the Commission also received approximately 3,700 letters or other correspondence, including a signed petition from local residents, airport patrons, and film and aeronautic organizations, in support of the Airport and its continued operation. In general, this correspondence contended that the Airport was an asset to the community and was critical to the aviation infrastructure of the region.
42. At the April 20, 2005 public meeting, the Commission deliberated whether to revoke or modify SP 1404. The Commission concluded that there was insufficient evidence to revoke SP 1404, but that there was sufficient evidence to modify the permit.
43. Regarding revocation, based on the hearing record and public testimony, the Commission concluded that the community's concerns regarding air traffic volume, aircraft noise, permissible aircraft type, development of runways, and hours of flight operations directly related to aircraft flight operations. These were matters that were preempted by federal law and beyond local control. The Commission also found that the Airport's alleged violations regarding unsafe flying, jet aircraft landings, excessive plane storage, and serving alcohol without a permit were in some instances unsubstantiated, and in other instances, subject

to dispute. The Commission further found that none of the confirmed violations rose to a level that warranted revocation of the permit.

44. Regarding modification, the Commission found that the Airport was operating under an antiquated permit and that its current operation was a regular source of disturbance to the neighboring residents. This disturbance resulted in a nuisance to the neighbors and provided sufficient evidence that SP 1404, as originally approved, did not contemplate the Airport's present level of activities and scope of development. Moreover, the evidence showed that the Airport had violated certain conditions of SP 1404 and certain County regulations in the development and operation of the Airport. The unauthorized activities included, but were not limited to:
 - A. The grading and paving of an unauthorized tie-down area without an approved site plan or grading review. This activity posed a potential threat to the health and safety of the surrounding residents and a nuisance to the Agua Dulce community. The unauthorized tie-down area could disturb existing drainage patterns and impact the area's water quality since it is adjacent to a drainage course;
 - B. The extensive promotion of the facility for film production and special events, including fundraisers, community meetings, and air and auto shows (e.g., a Business Expo and Santa Fly-In event). In addition, fee memberships to the airport's recreational facilities were offered to the general public. These activities were conducted without requisite approvals and permits, had traffic impacts, and otherwise intensified the Airport's land use; and
 - C. The construction of a swimming pool and the construction of hangars that exceeded a previously approved hangar height, all without prior authorization.
45. The Commission concluded that these unauthorized activities were contrary to the terms and conditions of the originally approved SP 1404, were detrimental to the public health and safety, and constituted a nuisance. Pursuant to Section 22.56.1780(D) and (E) of the County Code, the Commission concluded that these violations and unauthorized activities provided the necessary grounds to modify SP 1404.
46. At the Commission's second public hearing on December 14, 2005 and January 11, 2006, the Commission considered and tentatively approved the proposed modifications to SP 1404 proposed by County staff (including the Department, and the Departments of Public Works and Health Services). The new conditions were found to be within the Commission's land use authority and not preempted by federal law. The Commission also found, based on advice from County Counsel, that a number of conditions in the originally approved SP 1404 were preempted by federal law and those conditions were removed

from the modified permit as conditions imposed by the County. The removed conditions included the prohibitions on jet aircraft, aerial acrobatics, and dangerous flying at the Airport, and the restriction regarding the frequency and number of training flights at the Airport. As discussed in paragraph 51, however, the Airport volunteered to self-impose these conditions on the Airport's operation.

47. Testimony at the December 14, 2005 and January 11, 2006, public hearing sessions indicated that the Airport recently had new owners.
48. Final action to modify SP 1404 was taken by the Commission on March 8, 2006.
49. As set forth in the conditions approved by the Commission, the modified permit imposed conditions regulating temporary events and filming activities at the Airport, and regulating the hours of operation of appurtenant uses, such as the restaurant and maintenance facility. The modified conditions also imposed an expiration date for the permit, and included a condition requiring biannual inspections for permit compliance, and conditions for community input and community notification for certain Airport activities and/or events. To address violations concerning the tie-down area, the modified permit identified an appropriate size and location for an aircraft parking area.
50. The modified permit eliminated prior conditions in SP 1404 authorizing a flight school and caretaker residence. Eliminating the flight school was proposed by the Airport operator during the pending proceedings. Programs and classes for the Civil Air Patrol were authorized under the modified permit.
51. Notwithstanding federal preemption, the Airport representatives recognized at the Commission hearing that certain restrictions directly related to flight operations were of significant concern to the community, and therefore volunteered and agreed, as part of the modified permit, to self-impose a number of these restrictions on the Airport's operation. The Airport operator also agreed to allow these self-imposed restrictions to be enforceable by the County. These self-imposed restrictions included:
 - A. A requirement that the Airport shall be used by propeller-driven aircraft and rotorcraft only, and shall not be used by any jet aircraft;
 - B. A prohibition on acrobatic flying, parachute jumping, and other forms of reckless flying at the Airport;
 - C. A limitation on the weight of aircraft using the Airport;
 - D. The authorization for emergency use of the Airport;
 - E. The authorization for use of the Airport by aircraft owned or operated by a public agency; and

- F. An agreement to certain monetary penalties for violation of the self-imposed conditions.
52. In taking its final action on March 8, 2006, the Commission found that the adopted modifications to SP 1404 could substantially address the concerns of the local residents and community groups and were a viable option to protect the health and safety of local residents taking into account the matters preempted by federal law.
53. The Commission also found that the revocation/modification proceeding and the resulting modified permit was a project categorically exempt from the provisions of the California Environmental Quality Act ("CEQA"). The project was within a class of projects which have been determined not to have a significant effect on the environment in that it met the criteria set forth in section 15301 of the State CEQA Guidelines (14 California Code of Regulations, Chapter 3) and Class 21 (section 15321(a) of the CEQA State Guidelines - enforcement action by regulatory agencies) of the Environmental Document Reporting Procedures and Guidelines of the County of Los Angeles. The NOV, the County actions that led to the revocation/modification proceeding, and the proceeding itself under Section 22.56.1780 of the County Code constituted an enforcement action to enforce SP 1404.
54. Pursuant to Section 22.60.230(B)(1) of the County Code, the Commission's decision was called for review by the Board. Notice for the Board's public hearing to review the matter was provided pursuant to Section 22.60.240(B) of the County Code, and the Board held its public hearing pursuant to Section 22.60.240(D) on June 27, 2006.
55. Substantial written and oral testimony was provided to the Board both in favor and against the Commission's action. The written and oral testimony was substantially similar to the testimony provided to the Commission at its extensive public hearing.
56. The Airport representatives testified in support of the modified permit adopted by the Commission. The representatives also testified that the new owner of the Airport was a 30-year resident and a respected member of the Agua Dulce community, and that the new owner intended to operate the Airport in full compliance with the modified permit conditions and with a complete sensitivity to the Agua Dulce community.
57. Proponents of the Commission's action testified that the Airport has always been a good neighbor, allowing fundraisers at the Airport and contributing to local charities. The proponents also claimed that the Airport provides a public benefit to the community with its park-like facility.

58. Opponents of the Commission's action testified that the modified permit did not impose sufficient restrictions on the Airport's operations. While they did not support closure of the Airport, the opponents testified in favor of maintaining the Airport's historical level of activity, consistent with a small airport in a small rural community. The opponents viewed the Commission's action as an authorization for airport expansion, without the full environmental review required by CEQA.
59. Opponents at the Board also raised concerns regarding aircraft noise, filming activities, temporary events, low level flying, and the Airport's lack of responsiveness to community complaints. Helicopters and helicopter noise at the Airport were cited as a significant problem in the community.
60. Testimony at the Board showed that the Agua Dulce Town Council took a neutral position on the Airport and the proposed modified permit. A representative from the California Department of Transportation testified that, due to the relatively short size of the Airport runway, it would be difficult for a jet from the current fleet of jets to land at the Airport. However, newer jet airplanes will be able to land on shorter runways according to the representative. The representative recommended adoption of the Commission's modification to SP 1404.
61. After deliberation, the Board closed the public hearing and indicated its intent to sustain the Commission's action and uphold the modified permit adopted by the Commission, subject to one amendment. The Board found that, rather than an expansion, the modified permit imposed additional restrictions on what otherwise was a valid pre-existing permit for the Airport.
62. The Board's amendment addressed the helicopter noise issue raised by the community and requested County staff to provide alternative conditions regarding helicopters when the matter returns to the Board for final approval. The alternative conditions would either provide a reasonable limitation on the number of non-emergency helicopter take-offs and landings at the airport or instead provide a flight path attenuation plan for helicopters using the airport. The Board's amendment also requested County staff to include in the final documentation the conditions the Airport agreed-to at the Board hearing prohibiting night flights and jet aircraft at the Airport. A separate report was submitted to the Board along with the final documentation discussing how the Airport and County staff addressed the Board's amendment concerning helicopter noise.
63. The location of the documents and other materials constituting the record of proceedings upon which the Board's decision is based in this matter is the Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Land Divisions Section, Regional Planning.

BASED ON THE FOREGOING, THE BOARD OF SUPERVISORS CONCLUDES:

- A. That permittee of Special Permit No. 1404 is violating or has violated conditions of such permit, and that the use for which the permit was granted is being, or recently has been, exercised contrary to the terms or conditions of such approval or in violation of applicable statutes, ordinances, laws, and/or regulations; and
- B. That the use for which the approval was granted is so exercised as to be detrimental to the public health or safety, or so as to be a nuisance, or so as to require modification of Special Permit No. 1404-(5).

THEREFORE, THE BOARD OF SUPERVISORS:

- 1. Finds that the Modification of Special Permit No. 1404-(5) is categorically exempt pursuant to section 15301 and section 15321(a) of the State CEQA Guidelines; and
- 2. Approves Modification of Special Permit No. 1404-(5) as provided in the attached conditions.

**CONDITIONS OF APPROVAL
SPECIAL PERMIT NUMBER 1404-(5)**

1. This grant allows the use of the subject property (sometimes herein referred to as "Airport") for a private, public use commercial airport with appurtenant uses and buildings as depicted on the approved Exhibit A, pursuant to Condition No. 20, and is subject to all of the following conditions. This grant modifies and supersedes Special Permit No. 1404-(5) ("SP 1404"), originally approved on September 2, 1958, and supersedes all previous grants and conditions for the subject property.
2. Unless otherwise apparent from the context, the term "permittee" shall include the operator and any other person, corporation, or other entity making use of this grant.
3. This permit, as modified, shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, shall file at the office of the Los Angeles County Department of Regional Planning ("Department") their affidavit stating that they are aware of, and agree to comply with, all of the conditions of this grant and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 9.
4. The permittee shall defend, indemnify, and hold harmless the County of Los Angeles ("County"), its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this modified permit approval, which action is brought within the applicable time period of section 65009 of the Government Code, or any other applicable limitation period. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within 10 days of the filing pay the Department an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the Department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - A. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation; and

- B. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents shall be paid by the permittee in accordance with Section 2.170.010 of the Los Angeles County Code ("County Code").

6. This modification to SP 1404 shall become effective on the date the Board of Supervisors takes a final action on this grant.
7. Within 30 days of the effective date of this grant, the terms and conditions of the grant shall be recorded in the Office of the County Recorder by the permittee. In addition, upon any transfer or lease of the property during the term of this grant, the permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee, as applicable, of the subject property.
8. This grant shall terminate 20 years after the effective date of this grant. Upon written request made by the permittee not less than six months prior to the termination date, the Director of the Department ("Director") shall extend the term of this permit for 10 years, if the use is found to be in substantial compliance with the conditions of approval and has been conducted in compliance with applicable laws and regulations; and the permittee has exercised utmost diligence to resolve any Notice of Violation throughout the term of the permit.

Upon the termination of this grant, the use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, a new conditional use permit application shall be filed with the Department at least six months prior to the termination date of this grant, whether or not any modification of the use is requested at that time.

9. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Within 30 days of the effective date of this grant, the permittee shall deposit with the County the sum of \$6,000. These monies shall be placed in a performance fund which shall be used exclusively to compensate the Department for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval, including adherence to development in accordance with the site plan on file. The fund provides for 40 semiannual inspections. The permittee shall deposit additional funds to provide 20 semiannual inspections, if this grant is extended pursuant to Condition No. 8. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any condition of this grant, the permittee shall be financially responsible for and shall reimburse the Department for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be the amount equal to the recovery cost at the time payment is due (currently \$150 per inspection).

10. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Los Angeles County Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing in accordance with Section 22.56.1780, et seq., of the County Code, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance. The permittee shall pay or reimburse the County for all necessary costs associated with such hearing.
11. It is hereby declared to be the intent of this grant that if any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
12. It is hereby declared and made a condition of this permit that if any condition hereof is violated in any material way or if any other law, statute, or ordinance is violated in any material way, the permit shall be suspended and the privileges granted hereunder shall lapse in accordance with County procedures, provided that the permittee has been given written notice to cease such violation and has failed for a period of 30 days to do so.
13. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Forester and Fire Warden to determine what additional facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided to the satisfaction of and within the time periods established by said bureau.
14. All requirements of the County Code, and of the specific zoning of the subject property, must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.
15. The subject property shall be developed and maintained in compliance with the requirements of the Los Angeles County Department of Health Services. Adequate water and sewage facilities shall be provided to the satisfaction of said department.

16. All project grading activities and drainage shall comply with the requirements of the Los Angeles County Department of Public Works ("Department of Public Works").
17. Prior to the commencement of any construction activity permitted by this grant, if required, the permittee shall submit a grading plan and drainage concept to the Department of Public Works for its review and approval.
18. All structures on the subject property shall comply with the applicable requirements of the Department of Public Works Divisions of Aviation and Building and Safety, and the recommendations of the Division of Aeronautics of the California Department of Transportation, and the Federal Aviation Administration.
19. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization. In the event such extraneous markings occur, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such marking shall be of a color that matches, as closely as possible, to the color of the adjacent surfaces.
20. Within 60 days of the effective date of this grant, the permittee shall submit to the Director for review and approval three copies of a detailed revised site plan, labeled Exhibit A, that depict all project modifications required by these conditions of approval, including the following: 1) a legal description of the Airport boundaries prepared by a licensed surveyor or civil engineer; 2) the legal boundaries of all existing improvements; and 3) the use and dimensions (where applicable) of all structures and improvements to be maintained and/or constructed on the subject property pursuant to this grant. The subject property shall be developed and maintained in substantial compliance with the approved Exhibit A. In the event that subsequent revised plans are submitted, the permittee shall submit three copies of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner.
21. Within 60 days of the effective date of the grant, the permittee shall submit to the Director for review and approval three copies of a landscape plan, which may be incorporated into Exhibit A, described above. The landscape plan shall show the size, type, and location of all plants, trees, and watering facilities. The permittee shall maintain all landscaping in a neat, clean, and healthy condition, including proper pruning, weeding, litter removal, fertilizing, and replacement of plants when necessary. Watering facilities shall consist of a permanent water-efficient

irrigation system, such as "bubblers" or drip irrigation, for irrigation of all landscaped areas except where there is turf or other ground cover.

22. Within 60 days of the approval date of this grant, the permittee shall submit to the Director for review and approval three copies of a lighting plan, which may be incorporated into Exhibit A, described above. The lighting plan shall show the locations, types, and heights of all proposed pole and wall mounted lighting on the subject property. All new exterior lighting shall consist of high energy efficient lighting and shall be hooded and directed away from neighboring residences to prevent direct illumination and glare. All exterior lighting shall be turned off within 30 minutes after conclusion of activities on the subject property, with the exception of low-level sensor-activated security lighting along all pedestrian walkways leading to and from the property's parking lot.
23. Within 60 days of the approval date of this grant, the permittee shall submit to the Director for review and approval three copies of sign plans depicting all existing and proposed signs on the subject property.
24. Within 60 days of the effective date of this grant, the permittee shall submit to the Director three copies of a "Film Crew Parking Exhibit," depicting the locations on the subject property designated for parking for the personal vehicles of any and all film crews during filming activities on the subject property.
25. Construction activity on the subject property, including engine warm-up, shall be limited to those hours between 7:00 a.m. to 6:00 p.m., Monday through Friday, and 8:00 a.m. to 5:00 p.m., Saturday. No construction activities shall occur on Sunday or any County-recognized legal holiday. All stationary construction noise sources shall be sheltered or enclosed to minimize adverse effects on nearby offices and residences. Generators and pneumatic compressors shall be noise-protected in a manner that will minimize noise effects to adjacent residences. Parking of construction worker vehicles shall be on-site and restricted to areas buffered from residences located to the south and east of the subject property.
26. The permittee shall comply with all applicable regulations of the Aviation Division of the Department of Public Works, the California Department of Transportation Division of Aeronautics, and the Federal Aviation Administration.
27. The permittee shall install and maintain all obstruction markers, wind cones, traffic directional indicators and other appurtenant structures, and safety equipment as may be required by the Federal Aviation Administration and the California Department of Transportation Division of Aeronautics and submit plans demonstrating such compliance to the Department of Public Works Divisions of Aviation and Building and Safety.

28. The permittee shall remove the paving located between the runway and the southerly property boundary and shall inform the Department of Public Works and the Department when such activity will commence. If required by the Department of Public Works, the permittee shall submit a drainage concept or plan to be reviewed and approved by said department for the issuance of necessary permits for this area, and implement appropriate remedial measures necessary to restore the drainage pattern to the satisfaction of said department.
29. In addition to strict compliance with the South Coast Air Quality Management District's Rule 403 – Fugitive Dust, all material graded shall be sufficiently watered to prevent excessive amounts of dust during the construction phase of any and all construction activities on the subject property. Watering shall occur at least twice daily with complete coverage, preferably in the late morning and after all work is completed for the day. All clearing, grading, earth moving, or excavation activities shall cease during periods of high winds (i.e., greater than 20 mph averaged over one hour) to prevent excessive amounts of dust. Any materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust.
30. Within 30 days of the effective date of this grant, the permittee shall make a written request to the Agua Dulce Town Council, requesting said council, if it deems it appropriate, to agendize for a future meeting an Airport-related discussion item to provide a community forum to discuss Airport-related issues. The permittee shall make such written request to the Agua Dulce Town Council quarterly during the first two years following the effective date of this grant; thereafter, for the remaining term of this grant, permittee shall make such written request to the Agua Dulce Town Council on a biannual basis (i.e., two times per year). Copies of all written requests shall be provided to the Department for inclusion in the case file. In the event the Agua Dulce Town Council agendizes the matter, the permittee (or his/her designee) and a representative from the Department's Zoning Enforcement Section shall be present at each such meeting. The permittee shall provide funding for the Department's staff to attend said meetings. The permittee shall deposit an initial deposit of \$1,000 with the Department, from which actual costs shall be billed and deducted for the purpose of cost recovery. The permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required to attend said meetings.
31. The permittee shall maintain electronic mail ("email"), facsimile, and telephone services for the purpose of receiving complaints from persons in the Agua Dulce area regarding the operation of the Airport. The contact information shall be posted on a website to be maintained by the permittee. The permittee, or his/her qualified designee, shall respond with diligence in writing to any person(s) having submitted a complaint in writing (i.e., via email, facsimile, or letter) regarding the operation of the Airport. The permittee shall maintain a log of telephone

complaints received at the airport, providing the name of the person lodging the complaint (if provided by caller), a brief description of the nature of the complaint and, if applicable, corrective measures taken by the permittee to rectify the complaint. The permittee shall submit said telephone complaint log, and any written complaints received and the permittee's written responses thereto, on a quarterly basis to the Department's Zoning Enforcement staff for inclusion in the case file.

32. The permittee is authorized to conduct no more than six special events per calendar year on the subject property. The activities of each special event are subject to the approval of the Director in accordance with the provisions of Part 14 of Chapter 22.56 of the County Code for temporary use permits. The temporary use permit issued for each special event shall be subject to the following restrictions:
 - A. The permittee shall file all temporary use permit applications with the Department at least 60 days prior to the proposed scheduled date of the special event;
 - B. The permittee shall provide adequate parking for the special event at the facility, either on-site or on adjoining property owned by the permittee. The permittee shall submit an exhibit with each temporary use permit application filed with the Department depicting where such special event parking will be located;
 - C. The permittee is expressly prohibited from conducting the following special events on the subject property: tractor pulls, hot air balloon meets, motorcycle events, demolition derby events, or any other event featuring motorized vehicles (excluding the static display of automobiles); and
 - D. The permittee shall submit evidence in writing that notice has been sent to the Agua Dulce Town Council regarding the special event.
33. No filming activities shall occur on the subject property without the prior issuance of a valid film permit for which issuance of such a film permit is required from FilmL.A., Inc., or other County-designated responsible entity. The permittee shall provide a copy of this grant to FilmL.A., Inc., and ensure that it is aware of its conditions.
34. Filming, as described in Condition No. 36, conducted indoors or outdoors on the grounds of the subject property after 10:00 p.m. and before 6:00 a.m. is strictly prohibited.
35. All lighting facilities utilized by filming crews during outdoor night filming shall be shielded from neighboring residences.

36. Filming on the subject property shall not occur more than 30 days per calendar year, or in connection with more than 30 film permits per calendar year, whichever is less. For the purposes of this grant, "filming" means the actual days during which filming occurs on the property as identified in a valid FilmL.A., Inc.-issued film permit, per Condition No. 33, and does not include days spent by film crews during film production assembly (prep days) and disassembly (strike days). The permittee shall keep a film log indicating all days on which filming occurs on the subject property and note the number of film permits issued in relation to the subject property. Said film log shall be made available upon request for inspection by the Department's staff.
37. The permittee shall provide a minimum 24-hour advanced email notice regarding all filming conducted at the subject property to all adjoining residents of the Airport and all local residents who request such notification in writing. The filming notice shall be posted on a website to be maintained by the permittee not less than 24 hours prior to the scheduled filming. The permittee shall provide a copy of the notification list to the management of FilmL.A., Inc., the Fifth Supervisorial District main office, the Department for inclusion in the case file, and the Agua Dulce Town Council.
38. This grant authorizes the following construction and development on the subject property, as depicted in accordance with the approved Exhibit A, as prescribed in Condition No. 20:
- A. One aircraft runway (approximately 4,600 feet in length);
 - B. Fifty-five personal aircraft storage hangars (the combined floor area of which is not to exceed 110,000 square feet of hangar space, with each hangar not to exceed 3,000 square feet of floor area);
 - C. Five service/community aircraft storage hangars, four of which shall not exceed 9,000 square feet of floor area and one shall not exceed 18,000 square feet of floor area, for a combined total hangar space of 54,000 square feet of floor area;
 - D. One public maintenance hangar not to exceed 18,000 square feet of floor area;
 - E. A 250,000-square-foot exterior tie-down area located on the northerly side of the runway to be utilized solely for the parking of aircraft;
 - F. Aircraft fueling facilities and an accessory 600 square foot fueling office/fuel maintenance shop building;
 - G. A 3,150-square-foot structure for a manager's office/pilots' lounge;

- H. A 20-room airtel with an appurtenant restaurant (not to exceed 4,800 square feet) and a swimming pool;
 - I. A 1,500-square-foot manager's residence;
 - J. A 2,400-square-foot utility building; and
 - K. A helicopter helipad/landing zone.
39. The operation and maintenance of the airport shall be further subject to all of the following restrictions:
- A. The permittee shall maintain any and all logs of flight operations conducted at the Airport as required by federal and/or state law. The permittee shall, on a monthly basis for the first year after the effective date of this grant and thereafter, on a quarterly basis, transmit a copy of any such airport flight operations logs to the Department. The permittee shall also present said log to the Department's Zoning Enforcement staff upon request;
 - B. The permittee shall not construct any new hangars determined by California Department of Transportation Division of Aeronautics or the Federal Aviation Administration to constitute a hazard to air navigation;
 - C. The runway shall be paved and maintained in accordance with the guidelines of the Federal Aviation Administration and the California Department of Transportation Division of Aeronautics;
 - D. A minimum of 62 on-site automobile parking spaces shall be provided and continuously maintained. Spaces reserved for persons with disabilities shall be provided consistent with the County Code;
 - E. All designated automobile parking areas shall be paved in accordance with Section 22.52.1060 of the County Code;
 - F. The required automobile parking spaces shall be continuously available for vehicular parking only and shall not be used for storage, automobile or truck repair, or any other use not authorized by this grant;
 - G. Vehicular access for automobiles shall be provided to the satisfaction of the Los Angeles County Fire Department;
 - H. The permittee shall post signs indicating the maximum automobile speed limit of five miles per hour throughout the automobile parking area and driveways;

- I. All outdoor trash containers shall be covered, and all trash enclosure areas shall be screened from public and/or private view by landscaping, berms, compatible structures or walls, or a combination of these;
- J. All automobile parking lot and other exterior lighting shall be hooded and directed away from neighboring residences to prevent direct illumination and glare, and shall be turned off within 30 minutes after conclusion of all activities on the subject property, with the exception of sensor-activated security lights and/or low level lighting along all pedestrian walkways leading to and from the automobile parking lot and hangars;
- K. Except for special events that have authorization of a temporary alcoholic beverage permit from the California Department of Alcoholic Beverage Control, the sale of alcoholic beverages at the Airport is prohibited unless a conditional use permit is approved pursuant to Chapter 22.56.195 of the County Code;
- L. Operating hours for the restaurant on the subject property are restricted to 7:00 a.m. to 10:00 p.m., daily;
- M. Operating hours for the aircraft maintenance facility are restricted to 9:00 a.m. to 7:00 p.m., Monday through Saturday; said aircraft maintenance facility shall be closed on Sundays. The maintenance facility at the Airport shall not provide major engine overhaul or the testing of engines that are removed from aircraft;
- N. All spraying, painting, and coating operations at the aircraft maintenance facility shall be subject to the rules and regulations of the South Coast Air Quality Management District. All necessary permits shall be retained on the premises at all times and be immediately produced upon the request of the Department;
- O. This grant provides only for the maintenance of flyable, certified, and operational aircraft and does not allow the dismantling, salvaging, or outside storage of wrecked aircraft. Repairs of aircraft located on the subject property are only authorized to occur within hangar structures; aircraft under repair and/or aircraft parts that are utilized for the repair of aircraft shall be stored within an enclosed hangar structure. The permittee and all lessees shall be permitted to conduct aircraft "hobbyist" activities, including washing, repairing, and the performing of routine maintenance required for the lessee's or permittee's aircraft on the subject property, provided there is no attempt to perform such services for others for profit, and further provided that such right is conditioned upon compliance with applicable law. At no time shall any hangar of a lessee be utilized for any commercial, industrial, manufacturing, residential, or other use not typically associated with the maintenance and use of

personal aircraft storage, whether for-profit or without charge. Spray coating operations using pumps and compressors are strictly prohibited within the storage hangars;

- P. Floors of hangars, terminal apron and ramp areas, and areas used in aircraft operations shall be clean and clear of oil, grease, and other materials or stains and otherwise in a clean and orderly manner. Permittee shall comply with all applicable National Pollutant Discharge Elimination System ("NPDES") regulations affecting treatment of on-site drainage and disposal of hazardous materials (e.g., aircraft oil and fuel), as may be enforced by the Department of Public Works.
 - Q. Outside storage of construction and building materials and inoperable vehicles and aircraft is strictly prohibited on the subject property. All aircraft parts and aircraft undergoing repair or service shall be stored within an enclosed hanger;
 - R. Operating a flight school at the airport is strictly prohibited with the exception of programs and classes related to the United States Air Force Auxiliary Civil Air Patrol; and
 - S. The permittee shall maintain a current contact name, address, and phone number with the Department at all times.
40. As volunteered and agreed to by the permittee, the maintenance and operation of the Airport shall be subject to the following limitations:
- A. The Airport shall be used by propeller-driven aircraft and rotorcraft only and shall not be used by any jet aircraft;
 - B. Permittee shall not provide aeronautical services at night, and aircraft operations shall be prohibited at night. Permittee shall publish notice in a form readily accessible to pilots and other individuals entering onto the subject property, including posting signs at the Airport and including information on the Airport web site. For purposes of this Condition No. 40(B), the term "night" shall mean the period of the day that is one hour after sunset until one hour before sunrise.
 - C. The Airport shall be used by pleasure and executive-type aircraft not exceeding light-twin engine in weight (for purpose of this condition, "light-twin engine in weight" means aircraft with a maximum certified gross take-off weight of 12,500 pounds or less) and by heavier aircraft types not exceeding a maximum certified take-off weight of 30,000 pounds. Aircraft with a certified gross take-off weight between 12,500 pounds and 30,000 pounds shall not comprise more than 15 percent of the annual take-offs and landings at the airport. Aircraft with a maximum certified gross take-

off weight of 30,000 pounds or greater shall be prohibited from using the Airport at any time. Except as provided for in Condition Nos. 40(e) and 40(f) of this grant, helicopters exceeding a maximum certified take-off weight of 10,000 pounds shall be prohibited from conducting flight operations at the Airport;

- D. The Airport shall not be used by aircraft intending to conduct or have conducted acrobatics, parachute jumping, or any form of careless or reckless flying at the airport, as those terms are described and/or defined in sections 91.13, 91.303, and 91.307 of 14 Code of Federal Regulations, Part 91, as each may be amended;
 - E. The Airport shall be available for use in emergencies notwithstanding any other operating limitation, including the limitation described in Condition No. 44 regarding helicopters. Emergencies shall include, but not be limited to, operational emergencies, MEDIVAC, flight-for-life, and similar medical operations; and
 - F. The Airport shall be available for use for any aircraft owned or operated by a local, state, or federal government agency, notwithstanding any other operating limitation in this grant.
 - G. Permittee shall establish a designated helicopter landing site or area at the Airport. Said helicopter landing site or area shall be located to maximize the distance from the residences located northerly of the Airport and to take advantage of noise shielding by Airport buildings. Said helicopter landing site or area shall be located proximate to the hangars for the helicopter users, so that hover taxi time is reduced.
41. As volunteered and agreed to by the permittee, the permittee shall implement and enforce the limitations enumerated in Condition Nos. 40 and 44, in the following manner:
- A. The permittee shall publish these limitations in a form readily accessible to pilots and other individuals entering onto the subject property;
 - B. The permittee, upon actual knowledge thereof, will admonish any person using the subject property in violation of these limitations to promptly comply with the limitations, including, requesting the violator to promptly depart the Airport and not to return if said violator's return would again be a violation of these restrictions;
 - C. The permittee shall not knowingly provide aeronautical services to any aircraft owner or operator using the subject property in a manner inconsistent with these limitations. Aeronautical services shall include, but not be limited to, providing aircraft fuel, servicing, repairing, or offering any

other aeronautical service directly at the Airport. Aeronautical services shall also include the temporary storage of aircraft at a tie-down area, hangar, or other location on the subject property;

- D. The permittee shall not enter into a lease or other agreement to provide long-term aircraft storage on the subject property that is inconsistent with these limitations; and
 - E. The permittee shall include, and will use all reasonable efforts to enforce comparable requirements and prohibitions in any lease or other agreement with an aeronautical or charter service provider, provided however, that any violation of such lease or other agreement shall not constitute a violation of this permit.
42. As volunteered and agreed to by the permittee, in addition to the remedies available to the County pursuant to Condition No. 10, herein, the permittee commits to the County to implement and enforce the limitations enumerated in Condition Nos. 40 and 44, herein, as provided in Condition No. 41 of this grant. The permittee shall pay the Department \$2,500 if the Director, upon investigation, reasonably determines based on substantial evidence that the permittee has failed to take any one of the actions identified in Condition No. 41 of this grant and such failure directly results in a use of the subject property in violation of any of the restrictions and/or limitations identified in Condition No. 40 of this grant.
43. As volunteered and agreed to by the permittee, in no event shall the operation of an aircraft to, from, or at the airport in a manner inconsistent with the limitations in Condition Nos. 40 and 44, herein, standing alone, trigger the penalties prescribed in Condition No. 42 of this grant. The penalties prescribed in Condition No. 42, herein, shall be imposed only for the permittee's failure to take an action identified in Condition No. 41, herein, resulting directly in a use of the subject property in violation of the limitations identified in Condition Nos. 40 and 44 of this grant.
44. As volunteered and agreed to by the permittee, the permittee shall develop helicopter noise abatement procedures that will serve to reduce noise exposure in the surrounding community to the maximum extent practicable. The procedures shall address, at a minimum, helicopter arrival and departure procedures, recommended altitudes and speeds for different phases of flight over the Airport and the surrounding area, and recommended routes for operating to and from the airport. The permittee shall develop the helicopter noise abatement procedures, and make any changes in the procedures, in consultation with a qualified, professional noise consultant with substantial relevant experience. The procedures shall also be subject to the review and approval by the Department, and the Departments of Public Works and Health Services, which review shall be based upon helicopter noise

considerations, and which approval shall not be unreasonably withheld. Permittee further shall coordinate with the just-named departments on the procedures prior to implementation and shall publish and distribute the helicopter noise abatement procedures to each and every helicopter pilot using the Airport. Moreover, the permittee shall provide additional information to helicopter pilots on helicopter noise abatement measures made available by helicopter manufacturers or helicopter industry groups.

ATTACHMENT

Pursuant to the Board's amendment regarding helicopters, the Airport retained an acoustical consulting firm, Brown-Buntin Associates, Inc. ("BBA"), to provide an analysis of noise abatement measures to minimize the potential noise due to helicopter operations at the Airport. BBA also conducted noise testing at the Airport during helicopter hover-taxi operations to quantify noise levels of these operations as they affect noise-sensitive land uses located near the Airport. The Airport submitted two reports produced by BBA to County staff addressing these issues, both of which are attached. The Airport also submitted correspondence with the first BBA report, which is also attached, giving its recommendation based on BBA's findings.

BBA's first report recommended a number of specific noise abatement procedures for helicopters operating at the Airport, including the adoption of helicopter arrival and departure procedures, recommended altitudes and speeds for different phases of helicopter flight at the Airport, and recommended routes for helicopters approaching and leaving the Airport. BBA's second report regarding noise testing concluded that helicopters' hover-taxi movements at the Airport do not make a significant contribution to the overall aircraft noise exposure around the Airport.

In light of BBA's review, the Airport operator contends that the noise attenuation plan recommended by BBA is a better alternative to mitigate helicopter noise at the Airport than a numerical daily cap on helicopter flight operations. The latter alternative would, among other things, be difficult to count and track. If the Board nonetheless decides to adopt a daily helicopter cap rather than a noise attenuation plan, the Airport proposes an average cap of 10 helicopter takeoffs and 10 helicopter landings per day.

The Airport agrees to voluntarily accept BBA's recommended noise attenuation measures and to incorporate them as conditions to the modified permit. The Airport also agrees to voluntarily prohibit helicopters exceeding a maximum certified take-off weight of 10,000 pounds from operating at the Airport, excluding emergency and government helicopters. This last condition is intended to preclude the heaviest and noisiest private helicopters from operating at the Airport.

The Departments of Regional Planning, Public Works, and Health Services reviewed BBA's investigation and reports and concluded that a helicopter noise attenuation plan provides a better alternative for mitigating helicopter noise concerns of the local residents than a daily cap on helicopter activity. However, both alternatives are provided for the Board's consideration in Condition No. 44 of the attached conditions.



KAPLAN KIRSCH ROCKWELL

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August 7, 2006

Richard D. Weiss, Esq.
Assistant County Counsel, Public Works Division
Office of the County Counsel
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Re: Agua Dulce Airpark, Special Permit Case No. 1404-(5)

Dear Mr. Weiss:

As you know, we represent Wayne and Connie Spears in connection with their ownership and operation of the Agua Dulce Airport ("Airport"). At the Board of Supervisors' Hearing on June 27, 2006, the Board voted to uphold the action of the Regional Planning Commission to modify certain conditions of Special Permit 1404-(5).

As reflected in the Board of Supervisors' minutes for this meeting (enclosed), in acting on this matter, the Board approved Supervisor Yaroslavsky's suggestion that staff "provide the Board with *alternative* conditions regarding helicopters for its consideration which would *either* provide a reasonable limitation on non-emergency helicopter take-offs and landings *or* provide a flight path noise attenuation plan for helicopters" (emphasis added).

The regulation of helicopters presents many of the same legal issues as the ban on jets and other restrictions contained in the original permit. The County is preempted from directly regulating helicopter operations or demanding that the Spears do so. The Spears can voluntarily agree to regulate helicopter operations but cannot attempt to control how a particular pilot operates a helicopter.

With these legal constraints in mind, we have worked to identify alternatives responsive to the Board's direction. In particular, we retained Brown-Buntin Associates, Inc. ("BBA"), a national leader in conducting aviation noise studies, to provide an analysis of noise abatement measures that could be applied to minimize the potential for noise due to helicopter operations at the Airport. We worked in conjunction with BBA to identify alternative means to limit helicopter operations, including restrictions based on the number of helicopter operations, helicopter weight, helicopter noise stage

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rating and helicopter noise emissions. We also investigated pilot education programs in place at other airports and heliports and similar means to promote awareness of and sensitivity to local concerns.

Noise Attenuation Plan is the far superior alternative

BBA's report is enclosed for your review. The report recommends ten (10) specific noise abatement procedures for helicopters operating at the Airport. If implemented, these measures would help to minimize helicopter noise to residents living in proximity to the Airport. Believing enforcement of these measures would result in *actual* reductions in helicopter noise impacts to neighbors of the Airport, the Spears are ready and willing to voluntarily implement these measures, and to have them be made enforceable conditions of Special Permit 1404-(5). Accordingly, we have enclosed draft condition language for your consideration, the Board's implementation of which would make these noise abatement procedures enforceable conditions of the modified Permit.

Arbitrary "cap" on helicopter flight operations is not workable and would not result in actual helicopter noise reductions to area residents

Supervisor Yaroslavsky also suggested, as an alternative to a noise attenuation plan, that staff provide a draft condition for the Board's consideration that would place a "reasonable" limitation on the number of daily non-emergency helicopter operations that could be conducted at the Airport. For the reasons set forth below, unlike the noise attenuation program, implementation of which the Spears endorse, the Spears are extremely unsettled by the prospect of placing an arbitrary "cap" of any kind on helicopter operations at the Airport.

The Spears believe that helicopter noise abatement procedures offer a far better way to address noise than instituting an arbitrary restriction on the number of daily helicopter flight operations at the Airport. The noise abatement procedures will help to ensure that all helicopters will fly as quietly as possible. In contrast, a flight operation restriction, or cap, simply cuts off use of the Airport at a particular threshold, with no limitation on how any and all helicopters below the threshold would operate.

Please note that the Spears do not believe it is reasonable to enact—and would not agree to—*both* the noise abatement procedures and a helicopter flight limitation. Individually, each would require extensive effort to implement, monitor and enforce. Apart from the small number of individuals who testified at the public hearing about helicopter noise, there was no evidence presented of a noise problem attributable to helicopters and no basis to support such extensive regulation. Without any credible evidence of a noise problem, it is very difficult to identify which helicopters should be restricted. For example, the principal community concern appeared to be about helicopter operations by law enforcement, fire and rescue. Yet the Supervisors immediately recognized that such operations should be exempt from any regulation because of the important public purposes served by those activities.

A restriction based on the number of helicopter flight operations presents real challenges. This is why, to our knowledge, no other public-use airport in the nation is encumbered by such a limitation. Mr. Spears owns and operates a helicopter and, quite clearly, his own personal use of his property should not be restricted, especially when his and every other helicopter utilizing the Airport would be subject to the noise attenuation measures prescribed in BBA's enclosed report. Second, should Mr. Spears

Richard D. Weiss, Esq.
August 2, 2006
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agree to voluntarily impose a cap on helicopter flight operations at the Airport, he may be put in a position of precluding someone else's use of the Airport to protect his own use. Choosing among prospective users this way would be inconsistent with the State permit establishing this as a public-use airport and could expose Mr. Spears to potential liability. Third, the task of counting and tracking helicopter operations would be difficult considering, for example, the limited staff at the Airport and the fact that helicopters may touch down more than one time when operating at an airport. Moreover, it is possible (perhaps likely given the history) that disputes will arise about numbers of operations if and when Airport opponents see helicopters in the vicinity, only some of which and possibly none may be using the Airport.

There has not been a restriction on helicopter use in the past and, unlike the Spears' voluntary commitment to continue longstanding restrictions such as the ban on jets, it is difficult to identify a historic level that they could agree to maintain. The Spears are extremely hesitant to agree to any proposed limitation based on the number of daily helicopter operations at the Airport, and, as such, are reluctant to provide any numbers for possible limitation quotas. However, only for the purpose of complying with the Supervisor's request in this regard, the Spears reluctantly suggest a daily average of 10 takeoffs and 10 landings by helicopters at the Airport. This suggestion notwithstanding, for all the reasons outlined above, the Spears respectfully request that the Board of Supervisors use only the noise attenuation study to address this issue.

Spears propose helicopter weight limitation as supplement to helicopter noise abatement procedures

Notwithstanding their concerns about the merit and implementation of helicopter restrictions, the Spears are willing to agree to a restriction based on helicopter weight: 10,000 pounds maximum certified takeoff weight, excluding emergency and government helicopters (see our suggested condition language enclosed). We believe that this would preclude the heaviest and noisiest private helicopters from operating at the Airport, particularly military and other types of helicopters that have been converted to civil use. We believe that this is a responsible restriction that, in conjunction with the noise abatement procedures, would help to alleviate community concern about potential future operations that could be disruptive to the community.

Please do not hesitate to contact either of us if you have any questions or need additional information.

We look forward to finalizing this matter.

Kaplan Kirsch & Rockwell LLP

Armbruster & Goldsmith LLP

Dan S. Reimer ^{off} _{for}

Daniel S. Reimer

Mark S. Armbruster

Mark S. Armbruster

Enclosures

cc: Honorable Members of the County of Los Angeles Board of Supervisors
Wayne and Connie Spears

SUGGESTED CONDITION LANGUAGE REGULATING HELICOPTER WEIGHT & HELICOPTER NOISE ABATEMENT PROCEDURES

Modify Permit Condition No. 40 as follows:

“As volunteered and agreed to by the permittee, the maintenance and operation of the airport shall be subject to the following limitations:

....

- b. The airport shall be used by pleasure and executive-type aircraft not exceeding light twin engine in weight (for purpose of this condition, “light-twin engine in weight” means aircraft with a maximum certified gross take-off weight of 12,500 pounds or less) and by heavier aircraft types not exceeding a maximum certified take-off weight of 30,000 pounds. Aircraft with a certified gross take-off weight between 12,500 pounds and 30,000 pounds shall not comprise more than fifteen percent (15%) of the annual takeoffs and landings at the airport. Aircraft with a maximum certified gross take-off weight of 30,000 pounds or greater shall not use the airport at any time. Except as provided for in conditions 40(d) and 40(e) of this grant, helicopters exceeding a maximum certified take-off weight of 10,000 pounds shall be prohibited from conducting flight operations at the airport.

...

- d. The airport shall be available for use in emergencies notwithstanding any other operating limitation. In addition to operational emergencies, emergencies include, but are not limited to, MEDIVAC, flight-for-life and similar medical operations; and
- e. The airport shall be available for use of aircraft and rotorcraft owned or operated by a local, state or federal government agency, notwithstanding any other operating limitation;
- f. Permittee shall establish a designated helicopter landing site or area at the airport. Said helicopter landing site or area shall be located to maximize the distance from the houses located northerly of the airport and to take advantage of noise shielding by airport buildings. Said helicopter landing site or area shall be located proximate to the hangars of the helicopter users, so that hover taxi time is reduced.
- g. Permittee shall develop helicopter noise abatement procedures that will serve to reduce noise exposure in the surrounding community to the maximum extent practicable. The procedures shall address, at a minimum, helicopter arrival and departure procedures, recommended altitudes and speeds for different phases of flight on the airport and when flying over the surrounding area, and recommended routes for operating to and from the airport. The permittee shall

develop the helicopter noise abatement procedures, and make any changes in the procedures, in consultation with a qualified, professional noise consultant with substantial relevant experience. Permittee further shall coordinate with the Department of Regional Planning on the procedures prior to implementation.

- h. Permittee shall publish and distribute the helicopter noise abatement procedures to each and every helicopter pilot using the airport. Moreover, the permittee shall provide additional information on helicopter noise abatement made available by helicopter manufacturers or helicopter industry groups.



July 12, 2006

Mr. Dan Reimer
Kaplan Kirsch Rockwell
1675 Broadway, Suite 2300
Denver, Colorado 80202

Dear Mr. Reimer:

As you requested, Brown-Buntin Associates, Inc. (BBA) has reviewed potential noise abatement measures that could be applied to helicopter operations at the Agua Dulce Airport. The purpose of the review was to identify operational procedures that could be implemented at the Airport to minimize the potential for noise due to helicopter operations to adversely affect neighboring noise sensitive land uses.

Four basic flight modes are used by helicopters in the immediate vicinity of an airfield: departure, arrival, the transition from the arrival to a landing hover, and taxiing.

During departures, helicopters produce enhanced sound levels during initial liftoff, but the transition to forward flight occurs fairly rapidly. The short duration of the initial hover, coupled with the fact that it occurs close to the ground, minimizes the potential for noise impacts. Noise levels received at an adjacent land use during departures decrease as the aircraft climbs to a higher altitude, and as the helicopter moves away from the receiver.

During arrivals, helicopters are operated in a relatively stable configuration, descending at a relatively uniform rate. Noise levels received at adjacent land uses during arrivals generally increase as the helicopter descends. Noise levels are also reduced with increasing distance from the flight track.

It has been our experience in assessing helicopter noise that the greatest potential for annoying sound production at helipads occurs during the transition from flight to the landing hover. The transition between these flight modes produces higher noise levels than stable flight, and the sound usually includes noticeable tonal components. Since the transition occurs well above ground, the noise produced at this time propagates fairly efficiently to distant receivers.

Helicopters in taxi mode typically produce lower noise levels than those in the air-to-ground transition, and their position close to the ground (typically within 2-3 feet) provides ground absorption that reduces noise propagation.

In areas away from an airport, the noise produced by helicopters hovering over residences can generate annoyance and complaints. The annoyance is due to higher noise levels and increased tonal content produced in the hover flight mode, and due to the continued presence of the noise source (its duration).

Helicopters generally produce higher noise levels as a function of increased speed. Therefore, with the exception of the transitional flight mode described above, helicopters produce less noise close to the airfield than they do when they are farther away, when they are operating at higher speeds.

Given these characteristics of helicopter noise generation, noise abatement procedures are most effective when they affect the distance from the source to the receiver, the flight path near noise sensitive areas, the height at which the aircraft passes over a noise sensitive area, and the height at which the transition from flight to landing hover occurs. With these concepts in mind, and keeping in perspective the site characteristics at the Agua Dulce Airport, implementation of the following noise abatement procedures is expected to be effective in minimizing noise impacts to the residences near the Airport:

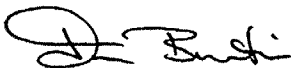
1. Establish a designated landing site or area at the Airport. The site or area should be located to maximize the distance from the houses north of the runway, and to take advantage of shielding by existing Airport buildings. Helicopter pilots should be encouraged to descend to or depart from the designated site or area even if they hover-taxi to/from hangars or other locations on the Airport.
2. The landing site or area should be relatively close to the hangars of the helicopter users, so that taxi time is reduced. In other words, the landing site or area should be selected so that the taxiing helicopters can travel in as short a path as possible from the landing site or area to their hangars.
3. To reduce noise levels at receivers close to the Airport, pilots should be encouraged to make the transition from forward flight to landing hover at as low an altitude as is safe and practical for the type of helicopter, consistent with the manufacturer's recommended flight procedures.
4. To reduce noise levels at receivers along the flight path, pilots should be encouraged to fly at as high an altitude as is practical, particularly when directly over residences surrounding the Airport, and to descend to the designated landing site or area as rapidly as possible, while maintaining flight safety. For example, for the S-76 helicopter, the recommended noise abatement landing procedure is to perform the final descent at 85 knots at 1200 to 1400 feet per minute.
5. Pilots should be encouraged to use noise abatement flight profiles consistent with the manufacturer's recommended flight procedures. Climb-out speeds should be about 10 knots below the speed for maximum rate of climb to reduce noise levels and increase the angle of climb.

6. For arrivals to Runway 22 and for departures on Runway 04, helicopters should follow either of two routes, as shown by Figure 1:
 - a. Southerly along the wash leading southwest to Yucca Hills Road, and then aligned with that road and the runway centerline, or
 - b. Westerly along Pratty Road until intersecting Yucca Hills Road, then aligned with Yucca Hills Road and the runway centerline.
7. For departures on Runway 22 and for arrivals to Runway 04, helicopters should proceed directly to the runway along the current fixed-wing arrival route, as shown by Figure 1.
8. In general, pilots should maintain as high an altitude as is practical when passing over noise sensitive areas. For example, minimum altitudes over noise-sensitive areas should be in the range of 1,000 feet to 2,000 feet above ground.
9. When operating close to the Airport in the vicinity of residences, pilots should reduce speed as much as is practical.
10. Helicopters should be operated so as to minimize the amount of time in a hover over populated areas.

If the above measures are implemented as part of a helicopter noise abatement program, the potential for noise annoyance due to helicopter operations will be minimized to the maximum practical extent. We understand that the Airport owner is considering other elements of a helicopter noise abatement program, to include pilot education, which we believe would contribute to reducing helicopter noise exposure. In our experience, these types of noise abatement programs are effective if the airport owner informs and educates airport users about the preferred procedures and, where possible, receives commitments from airport users that they will endeavor to conform to the procedures.

I hope that this information will be useful to you in developing noise abatement procedures for helicopter operations at the Agua Dulce Airport.

Respectfully Submitted,
Brown-Buntin Associates, Inc.



Jim Buntin
Vice President

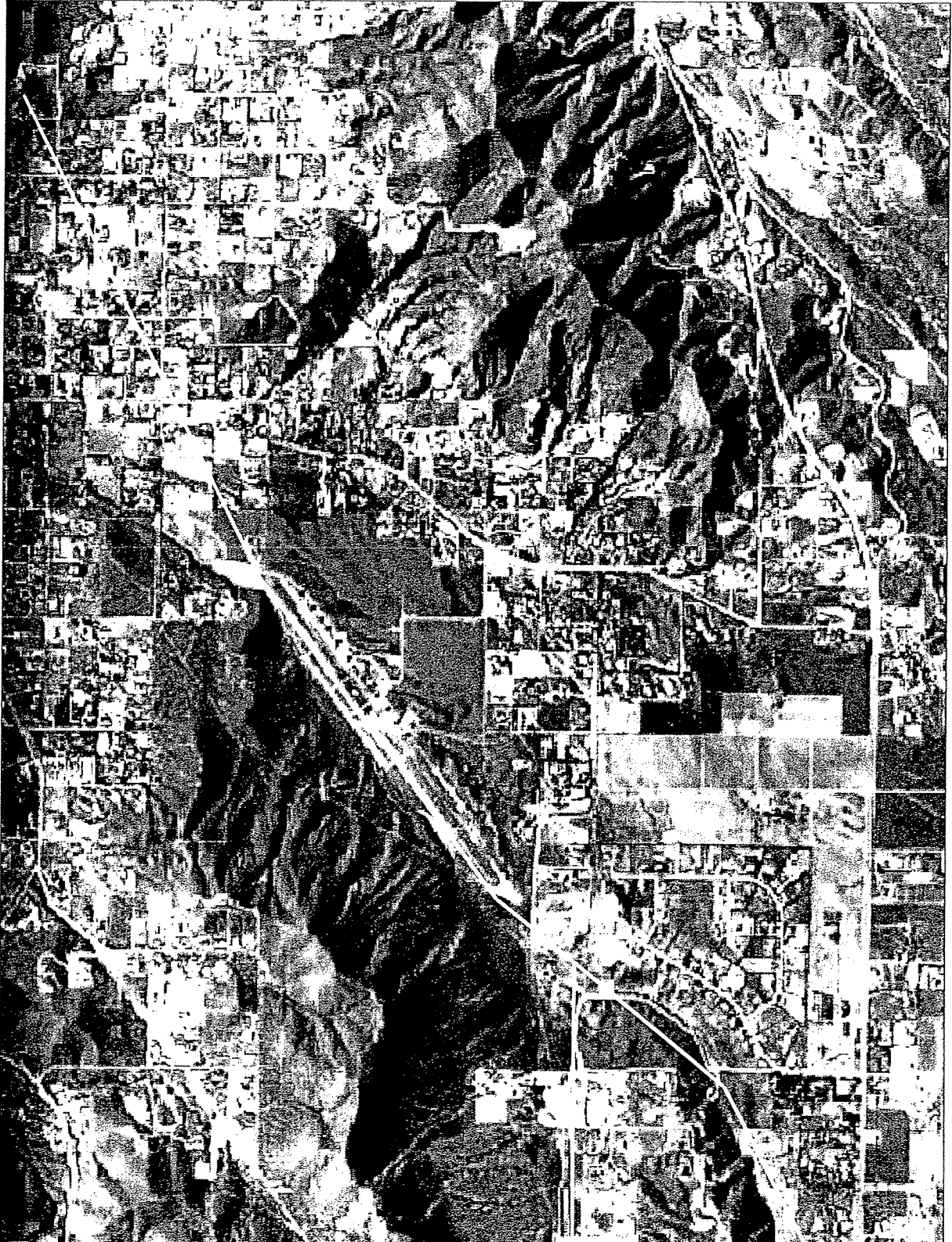


Figure 1: Recommended Helicopter Arrival and Departure Flight Tracks



MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Sachi A. Hamai, Executive Officer
Clerk of the Board of Supervisors
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

County Counsel
Acting Director of Planning

At its meeting held June 27, 2006 the Board took the following action:

12

At the time and place regularly set, notice having been duly given, the following item was called up:

- Hearing on Revocation/Modification of Special Permit Case No. 1404-(5), to authorize the continued operation and maintenance of Agua Dulce Airpark, a private commercial airport with appurtenant facilities located at 33638 Agua Dulce Canyon Rd., unincorporated community of Agua Dulce, Soledad Zoned District (5), a Regional Planning Commission Initiative.

All persons wishing to testify were sworn in by the Executive Officer of the Board. Samuel Dea and Rose Hamilton, representing the Department of Regional Planning and Ted Gustin, representing the Department of Public Works, testified. Opportunity was given for interested persons to address the Board. Mark Armbruster, Daniel S. Reimer, Mary Johnson, Bill Morton, Dan White, Joette Hayward, James Jennings, Peg Spry, Betsy Skidmore, and others addressed the Board. Written correspondence was presented.

Supervisor Antonovich made the following statement:

"In response to the applicant's total lack of respect for the rules set forth in Special Use Permit 1404 and for its neighbors, I introduced a revocation/modification motion to review the permit.

(Continued on Page 2)

"A review of the record chronicles continued infractions by Agua Dulce Airpark.

- A series of Notices of Violation issued by the Department of Regional Planning since June of 2003 relative to the applicant's failure to comply with conditions of approval of Special Use Permit 1404.
- Of particular importance is a Notice of Violation for failure to provide adequate security and comply with safety measures at a special event, thereby endangering hundreds of people in attendance.
- A Notice of Violation issued by the Department of Public Works' Building & Safety Division for filming without a valid film permit.
- The applicant's submittal of plans and an application with conflicting information relative to the height of the hangars.
- The applicant's construction of those hangars, without Federal Aviation Administration (FAA) approval, which required the granting of a waiver from the FAA after the hangars were constructed.
- The applicant's construction and use of an unauthorized and un-permitted tie-down area which flagrantly violates the conditions of Special Use Permit 1404. Even after County staff issued a Notice of Violation, informing the applicant in writing to remove the tie-down area, the applicant has failed to do so.
- The applicant's failure to cooperate with County staff to address the issues raised in the multiple Notices of Violation they received.
- The applicant's behavior that either violates County's rules and regulations, or pushes the envelope, which required the commitment of extensive County staff time.

(Continued on Page 3)

"The Airpark has been a divisive issue in the community. Friends no longer speak to each other, and people avoid their neighbors. Meetings of the local town council have become shouting matches with no sense of civility. Sheriff deputies have been summoned to come in to maintain order and prevent altercations.

"The community needs to focus on what brings people together. People moved to Agua Dulce for the rural atmosphere, the Community Standards District that requires large lots, and a location that is not too distant from urban communities.

"A divided Regional Planning Commission addressed some of the smaller issues, such as community notice of special events and filming restrictions. Upon advice of counsel, and amidst great opposition and controversy from many Agua Dulce residents, the commissioners also removed those items that conflict with Federal law. However, I strongly disagree with other components of the Commission's decision, which I will address in a moment. But I am nevertheless grateful to the commissioners for visiting Agua Dulce twice and conducting multiple public hearings.

"The Regional Planning Commission's action is an endorsement of expansion of the Airpark that would likely triple its size from what is there today. The process this Board initiated is a revocation/modification action, a process rarely used except for those cases that are a nuisance to the surrounding community. Regrettably, the Commission's grant, as it relates to the number of hangars, tie-downs, and associated land uses, makes a mockery of our code enforcement process. The Commission's determination rewards the Airpark for continually ignoring their Special Use Permit 1404. Commissioners reviewed volumes of documents and heard extensive testimony demonstrating that the applicant has consistently and flagrantly violated County rules. The Commission then adopted a finding that the Airpark constituted a nuisance to the community. For the commissioners to proceed to endorse massive additional development capacity is wrong.

(Continued on Page 4)

"Currently there are 27 hangars at the Airpark, mostly older, smaller buildings of about 1,000 sq ft that each house one plane. There are 10 additional hangars nearly completed, but not yet occupied. There are between 10-20 tie-down spaces. At present, there are probably no more than 40 planes housed at the Airpark, and with completion of the 10 hangars, another 30 or so planes could be accommodated. The Commission's grant would authorize 55 large (3,000 square foot) hangars, several larger community and maintenance hangars, and nearly six acres of tie-down space. In combination this would allow roughly 270 planes, or six times the number of planes currently at the Airpark.

"Were the Board to endorse the Commission's decision, in light of the enforcement record, it would reward the applicant for blatant code violations. The Commission's grant is the equivalent of tripling the size of a crime-infested liquor store. The Board would never make such a decision on a liquor store. Given the applicant's record, we should not do so on this case.

"The administrative record documents indifference to the County's rules and an extreme lack of consideration for the surrounding community. What the Board must do is constrain the Airpark to its historical levels of operation. There should also be a modest accommodation for those local pilots who cannot afford expensive new hangars and would like other options for storing their planes. An airport that accommodates somewhat closer to 100 planes, rather than 300 planes, is closer to the historical operation of the Airpark. It is also entirely appropriate given the Airpark's location within a rural residential community."

Therefore, Supervisor Antonovich made a motion that the Board take the following actions:

1. Close the public hearing.
2. Indicate an intent to modify SUP 1404, as recommended by the Regional Planning Commission, subject to the following revisions:
 - Jets shall be banned from the subject property.

(Continued on Page 5)

- Helicopters shall be banned from the subject property.
- Consistent with State prohibition on night flying on the subject property, night flying shall be prohibited. The term "night" shall commence 30 minutes after sunset and finish 30 minutes before dawn. Runway lighting (other than emergency or safety lighting required by the State or Federal Government) shall be prohibited.
- The paving between the runway and the southerly property boundary (the un-permitted and unauthorized tie-down area) shall be removed within 60 days of the date of this grant.
- Allow the existing 27 hangars (approximately 31,340 sq ft) at the Agua Dulce Airpark to remain.
- Allow the applicant to replace the existing 27 hangars with new hangars, on a one-for-one square footage basis (existing square footage of approximately 31,340 sq ft), such that the square footage of these new hangars does not exceed the square footage of the existing hangars. The Department of Public Works' Building & Safety Division shall not issue final inspection(s) and/or certificate(s) of occupancy for any replacement hangars until the old hangars have been demolished or removed from the subject property.
- Allow the 10 hangars, partially constructed, to be completed and occupied, subject to approval of a Revised Exhibit "A" application by the Department of Regional Planning, and the issuance of all necessary permits and clearances from the Fire Department and the Department of Public Works' Building & Safety Division.
- All new hangars must include fire sprinklers, reviewed and installed to the satisfaction of the Fire Department and the Department of Public Works' Building & Safety Division.

(Continued on Page 6)

12 (Continued)

- Allow the applicant to construct one "community hangar," at a square footage not to exceed 18,000 sq ft, to be utilized solely as leased space for pilots who want to store their planes in a hangar at the Airpark.
- The total square footage limitation for all hangars shall, therefore, be 71,340 sq ft.
- The total square footage limitation for all tie-down space - whether for itinerant pilots or leased to local pilots - shall be 43,560 sq ft (one acre).
- This revised SUP 1404 shall terminate in 10 years, unless an extension is granted by the Acting Director of Regional Planning, who may extend the grant for two additional 5 year periods. The Acting Director may approve the extensions if the use is found to be in substantial compliance with the conditions of approval, the applicant has complied with all applicable laws and regulations, and the applicant has exercised utmost diligence to resolve any Notice of Violation throughout the term of the grant.
- Any additional hangar space, tie-down areas, and/or land-uses not specifically authorized in the Regional Planning Commission's determination as further modified by this grant, shall require the submittal of a new CUP application, the submittal of a Master Plan of development for the entire subject property, and compliance with the California Environmental Quality Act.
- The pavement for the runway shall not be improved nor certified for a maximum gross take-off weight in excess of 30,000 pounds.
- The sale of jet fuel shall be prohibited.
- The construction and operation of a jet maintenance facility shall be prohibited.


(Continued on Page 7)

- The following uses shall be prohibited: restaurant and/or food services (unless expressly authorized by the County for a special event through issuance of a Temporary Use Permit), the proposed air-tel/hotel, air-based or ground-based (class-room instruction) flight school, and any commercial, retail, industrial, or manufacturing uses not expressly authorized by this grant.
 - All flights into and out of the Airpark shall be logged in writing by the applicant's airport manager. Upon request, said logs shall be available for inspection or review by County staff. The airport manager shall answer all telephone inquiries when the Airpark is open.
 - In addition to the hourly limitations on construction activity imposed by the Regional Planning Commission, construction activity shall not be permitted on Saturdays.
 - No filming activities, nor the issuance of any film permits, shall permit air-based filming nor in any way allow filming involving aircraft in flight.
 - Filming of aircraft or other vehicles on the subject property shall be permitted if a valid film permit is issued. For any filming that involves the use of the runways, the Airpark shall be closed for the entire time that film personnel are on the subject property.
 - Increase the penalties for non-compliance to \$2,500 per day per violation.
 - Where not in conflict with these revisions, all other conditions imposed by the Regional Planning Commission shall remain and be incorporated into the final conditions.
3. Direct County Counsel to prepare findings and conditions consistent with the Board's action and bring the matter back to the Board for final consideration at the earliest date possible.

Supervisor Antonovich's motion failed for lack of a second.

(Continued on Page 8)

After discussion, Supervisor Molina made a motion, seconded by Supervisor Burke, that the Board close the public hearing; sustain Regional Planning Commission's decision to approve said Revocation/Modification of Special Permit Case No. 1404-(5); and instruct County Counsel to prepare the final environmental documentation and findings and conditions for final approval.

 Supervisor Yaroslavsky offered a suggestion that Supervisor Molina's motion be amended to include agreed-to conditions to eliminate night flying and jet flights, and for staff to provide the Board with alternative conditions regarding helicopters for its consideration which would either provide a reasonable limitation on non-emergency helicopter take-offs and landings or provide a flight path noise attenuation plan for helicopters.

After further discussion, on motion of Supervisor Molina, seconded by Supervisor Yaroslavsky, duly carried by the following vote: Ayes: Supervisors Molina, Burke, Yaroslavsky and Knabe; Noes: Supervisor Antonovich, the Board closed the hearing; indicated its intent to approve said Revocation/Modification of Special Permit Case No. 1404-(5), and instructed County Counsel to prepare the final environmental documentation and the necessary findings and conditions, including Supervisor Yaroslavsky's amendments for final approval.

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Copies distributed:

Each Supervisor
Director of Internal Services
Director of Public Works
Mark Armbruster
Daniel Reimer
Mary Johnson
Bill Morton
Don White
Joette Hayward
James Jennings
Peg Spry
Betsy Skidmore

Noise Measurement Report

HELICOPTER HOVER-TAXI MOVEMENTS

Agua Dulce Airpark
Agua Dulce, California

BBA Project No. 06-040

Prepared For

Armbruster & Goldsmith LLP
10940 Wilshire Boulevard, Suite 2100
Los Angeles, California 90024

September 18, 2006

Prepared By

Brown-Buntin Associates, Inc.
Visalia and Fair Oaks, California

INTRODUCTION

Brown-Buntin Associates, Inc. (BBA) has conducted noise measurements at the Agua Dulce Airpark during helicopter hover-taxi operations. The purpose of the measurements was to quantify noise levels generated by helicopter hover-taxi operations as they affect noise-sensitive land uses located near the Airpark. The following report summarizes the methods and findings of the study.

Unless otherwise indicated, all noise levels described in this report are in terms of A-weighted sound pressure levels, or sound levels, in decibels (dB). Appendix A describes the acoustical terms used for this analysis.

NOISE MEASUREMENT PROCEDURE

To quantify noise levels due to hover-taxi operations, BBA conducted simultaneous noise level measurements at five locations in the vicinity of the Airpark on September 14, 2006, during staged hover-taxi operations.

The helicopter used for the staged operations was a Bell 407, which is a medium-sized helicopter with a single turbine engine. The helicopter was operated in a hover-taxi during four movements considered representative of worst-case conditions: 1) from midfield to the hangars farthest along the runway to the southwest, 2) back to midfield, 3) from midfield to the hangars farthest along the runway to the northeast, and 4) back to midfield. During each movement, the helicopter engine was kept running so that no start-ups or shut-downs occurred. Figure 1 shows the approximate locations of the helicopter hover-taxi movements.

Sound level measurement equipment consisted of Larson Davis Model 820 precision integrating sound level meters. The meters were calibrated with a Bruel & Kjaer Type 4230 acoustical calibrator in the field before use. The equipment meets the specifications of the American National Standards Institute (ANSI) for Type I sound measurement systems. The sound level meters were set to record the noise levels at one-second intervals, and the meter clocks were synchronized within one second.

The sound level meters were placed on tripods at a height of about five feet above ground at four locations (Sites 2, 3, 4 and 5) in residential areas adjacent to the Airpark, as shown by Figure 2. Another sound level meter was placed near the Airpark office (Site 1) to relate the time of the helicopter operations to the noise levels measured in the adjacent areas.

BBA staff was present during the helicopter hover-taxi movements at Sites 4 and 5. Staff from the Los Angeles County Department of Health Services was present at Sites 1, 3, 4 and 5. Site 2 was unattended.

The tests were conducted beginning at 10:35 a.m. on September 14, 2006. The weather conditions consisted of foggy skies, wind at 2.2 knots from the west, 79% relative humidity, and a temperature of 62 degrees Fahrenheit. Visibility was poor; only the helicopter lights were visible from Site 5.

RESULTS

Noise levels were recorded continuously at all five sites during the helicopter hover-taxi movements. BBA analyzed the test data and staff observations to determine the noise levels attributable to the hover-taxi movements. Noise measurement findings are summarized below for each of the test sites:

Site 1:

At Site 1, which was located near the Airpark office, Los Angeles County staff conducted supplementary sound level measurements using County equipment. As expected, helicopter noise levels varied with the distance from the helicopter, and with the mode of operation. The data collected by BBA at Site 1 were used for correlation purposes, and confirmed the times that the helicopter was being operated during each hover-taxi test movement.

Site 2:

No observers were present at Site 2. The data collected at that site indicated that the highest noise levels caused by helicopter hover-taxi movements occurred when the helicopter was moving between midfield and the southwest end of the Airpark. The highest noise level that was attributable to hover-taxi movements at Site 2 was 54 dBA.

Site 3:

County staff was also present at Site 3. People talking and fluttering papers caused extraneous noise events during the first part of the test cycle, when the helicopter was moving from midfield to the southwest end of the Airpark. Otherwise, the highest hover-taxi noise levels occurred when the helicopter was moving between midfield and the northeast end of the Airpark and was passing between hangar buildings. The highest noise level that was attributable to hover-taxi movements at Site 3 was 60 dBA.

Site 4:

At Site 4, the highest noise level caused by hover-taxi movements occurred when the helicopter was near the site, moving between the southwest end of the Airpark and midfield. The highest noise level that was attributable to hover-taxi movements at Site 4 was 58 dBA.

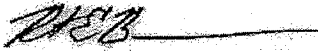
Site 5:

At Site 5, the highest noise level caused by hover-taxi movements occurred when the helicopter was moving between midfield and the northeast end of the Airpark. The highest noise level that was attributable to hover-taxi movements at Site 5 was 50 dBA.

CONCLUSIONS

Noise measurements conducted by Brown-Buntin Associates, Inc. during staged helicopter hover-taxi movements at the Agua Dulce Airpark demonstrated that maximum noise levels from the test operations were in the range of 50-60 dBA at locations representative of the closest noise-sensitive receptors to the Airpark. Such levels do not make a significant contribution to the overall aircraft noise exposure around the Agua Dulce AirPark as defined by the annual average Community Noise Equivalent Level (CNEL). The CNEL is the noise descriptor specified by the State of California for noise compatibility planning around airports.

Respectfully Submitted,
Brown-Buntin Associates, Inc.

A handwritten signature in dark ink, appearing to read 'REB', followed by a horizontal line.

Robert E. Brown
President

Figure 1
Airpark Site Map
Helicopter Movements

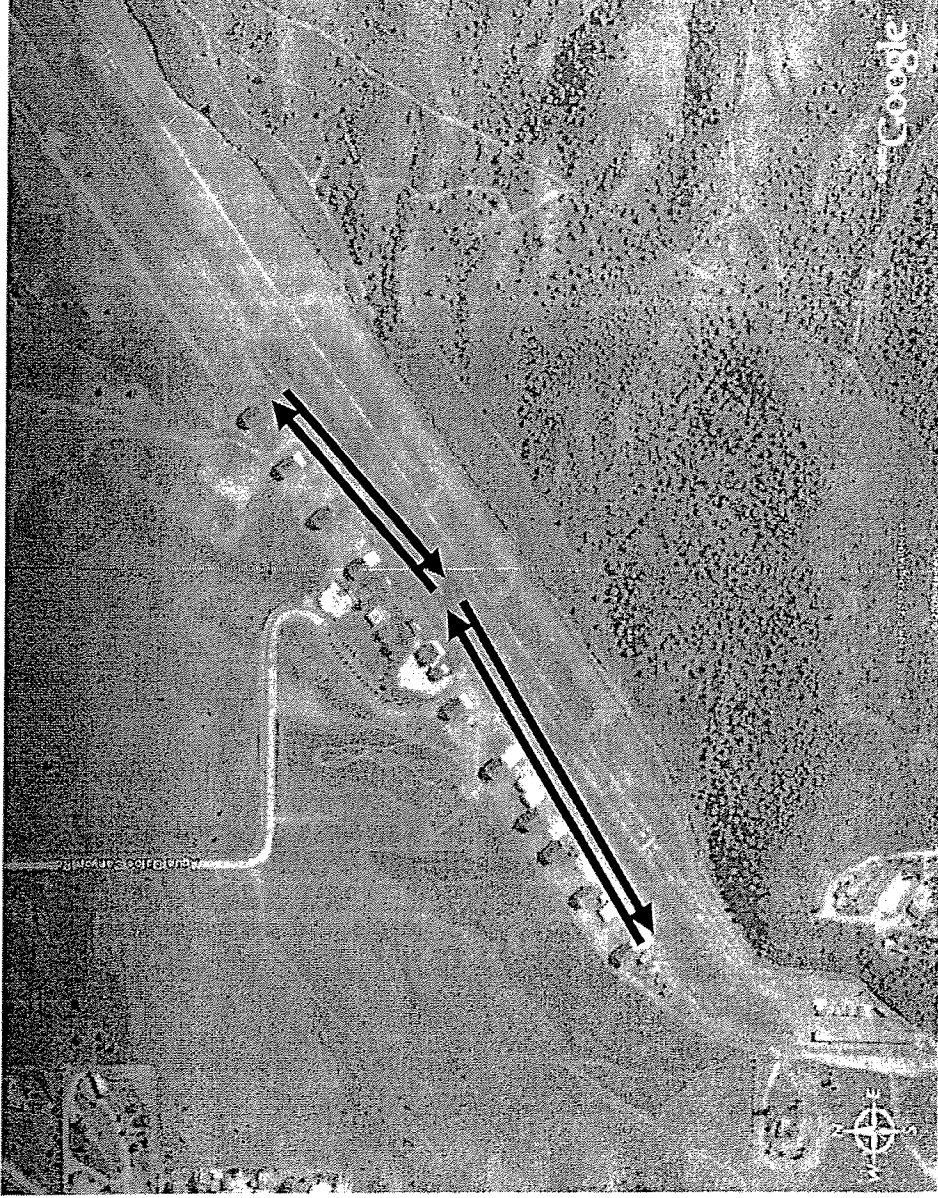
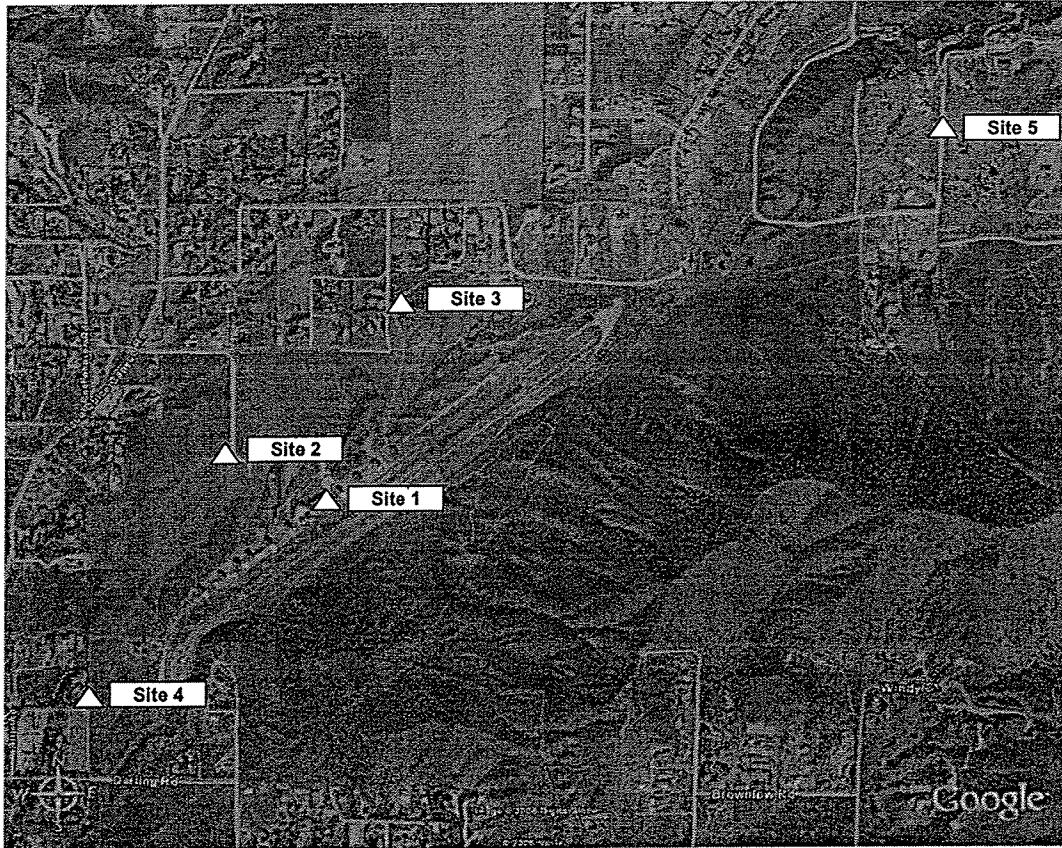


Figure 2
Airpark Vicinity Map
Noise Measurement Sites



APPENDIX A

ACOUSTICAL TERMINOLOGY

AMBIENT NOISE LEVEL: The composite of noise from all sources near and far. In this context, the ambient noise level constitutes the normal or existing level of environmental noise at a given location.

CNEL: Community Noise Equivalent Level. The average equivalent sound level during a 24-hour day, obtained after addition of approximately five decibels to sound levels in the evening from 7:00 p.m. to 10:00 p.m. and ten decibels to sound levels in the night before 7:00 a.m. and after 10:00 p.m.

DECIBEL, dB: A unit for describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).

DNL/ L_{dn} : Day/Night Average Sound Level. The average equivalent sound level during a 24-hour day, obtained after addition of ten decibels to sound levels in the night after 10:00 p.m. and before 7:00 a.m.

L_{eq} : Equivalent Sound Level. The sound level containing the same total energy as a time varying signal over a given sample period. L_{eq} is typically computed over 1, 8 and 24-hour sample periods.

NOTE: The CNEL and DNL represent daily levels of noise exposure averaged on an annual basis, while L_{eq} represents the average noise exposure for a shorter time period, typically one hour.

L_{max} : The maximum noise level recorded during a noise event.

L_n : The sound level exceeded "n" percent of the time during a sample interval (L_{90} , L_{50} , L_{10} , etc.). For example, L_{10} equals the level exceeded 10 percent of the time.

ACOUSTICAL TERMINOLOGY

**NOISE EXPOSURE
CONTOURS:**

Lines drawn about a noise source indicating constant levels of noise exposure. CNEL and DNL contours are frequently utilized to describe community exposure to noise.

**NOISE LEVEL
REDUCTION (NLR):**

The noise reduction between indoor and outdoor environments or between two rooms that is the numerical difference, in decibels, of the average sound pressure levels in those areas or rooms. A measurement of "noise level reduction" combines the effect of the transmission loss performance of the structure plus the effect of acoustic absorption present in the receiving room.

SEL or SENEL:

Sound Exposure Level or Single Event Noise Exposure Level. The level of noise accumulated during a single noise event, such as an aircraft overflight, with reference to a duration of one second. More specifically, it is the time-integrated A-weighted squared sound pressure for a stated time interval or event, based on a reference pressure of 20 micropascals and a reference duration of one second.

SOUND LEVEL:

The sound pressure level in decibels as measured on a sound level meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound in a manner similar to the response of the human ear and gives good correlation with subjective reactions to noise.

**SOUND TRANSMISSION
CLASS (STC):**

The single-number rating of sound transmission loss for a construction element (window, door, etc.) over a frequency range where speech intelligibility largely occurs.